

INTRODUCTION

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The subject of your work here, "Statistics, Development and Human Rights", is nothing less than a quest for a science of human dignity. This is a vital endeavour. When the target is human suffering, and the cause human rights, mere rhetoric is not adequate to the task at hand. What are needed are solid methodologies, careful techniques, and effective mechanisms to get the job done.

Mary Robinson¹

In recent years, there has been a growing demand from various stakeholders, including national and international human rights activists and policy-makers, for indicators for use in human rights assessments and in furthering the implementation and realization of human rights. This publication attempts to meet some of this demand by developing a reference resource with operational tools, including an approach to identifying quantitative and qualitative indicators, and the corresponding methodology, to promote objective and comprehensive human rights assessments.

On a general level, the idea of measuring human rights is inspired by the thinking, once well summed up by the eminent development thinker and practitioner J.K. Galbraith, that "*if it is not counted, it tends not to be noticed.*" On another level and in a different context, one could go further and suggest "*what gets measured gets done.*"² At the heart of this thinking is the recognition that to manage a process of change directed at meeting certain socially desirable objectives, there is a need to articulate targets consistent with those objectives, mobilize the required means, as well as identify policy instruments and mechanisms that translate those means into desired outcomes. In other words, there is a

need for suitable information, for example in the form of statistics, indicators or even indices, in order to undertake a situational analysis, inform public policy, monitor progress, and measure performance and overall outcomes.

The use of indicators can help us make our communications more concrete and effective. Compiling indicators helps to record information efficiently and this, in turn, makes it easier to monitor and follow up issues and outcomes. Well-articulated indicators can improve public understanding of the constraints and policy trade-offs, and help in creating broader consensus on social priorities. More importantly, when used properly, information and statistics can be powerful tools for creating a culture of accountability and transparency in the pursuit of socially valued progress.

In all these applications, it is necessary to configure and adapt the indicators to the requirements of the specific objectives that they are expected to serve so as to exploit their inherent promise. To get the most out of an indicator, it must be conceptually sound and empirically validated, based on sound methodology for collecting and processing information, and be relevant to the context where it is being used.

1. United Nations High Commissioner for Human Rights (1997–2002) in her address at the Conference of the International Association for Official Statistics on "Statistics, Development and Human Rights", Montreux, Switzerland, September 2000.
2. Douglas Daft, Chief Executive Officer of Coca-Cola, as reported in United Nations Development Programme, *Human Development Report 2000: Human Rights and Human Development* (Oxford and New York, Oxford University Press, 2000), p. 126.

WHY INDICATORS FOR HUMAN RIGHTS?

The demand for and the use of indicators in human rights are part of a broader process of systematic work to implement, monitor and realize rights. Together with national human rights action plans, baseline studies and rights-based approaches to development and good governance, the oversight work of United Nations human rights mechanisms, and regional and national human rights institutions, indicators provide concrete, practical tools for enforcing human rights and measuring their implementation. There is a recognition that one has to move away from using general statistics and instead progress towards identifying specific indicators for use in human rights. The general statistics are often indirect and lack clarity in their application, whereas specific indicators are embedded in the relevant human rights normative framework and can be more readily applied and interpreted by their potential users.

The idea of using indicators in human rights is not new or unknown to international human rights and some treaties explicitly refer to statistical information (chap. I, sect. E). Indicators are seen as useful for articulating and advancing claims on duty-bearers and for formulating public policies and programmes that facilitate the realization of human rights. In the work of the United Nations human rights treaty bodies, for example, the use of appropriate indicators is a way to help States parties make precise and relevant information available to the treaty bodies, and to help them assess progress in the implementation of State obligations under the treaties. At the country level, national human rights institutions (chap. V) and even courts (box 1) have been calling for the use of indicators in human rights assessments. Above all,

the use of appropriate indicators is a way to help States assess their own progress in ensuring the enjoyment of human rights by their people.

Human rights standards and principles as a value-based, prescriptive narration, essentially anchored in the legalistic language of the treaties, are not always directly amenable to policymaking and implementation. They have to be transformed into a message that is more tangible and operational. Indeed, there is a need for human rights advocates to be equipped with an approach, methodology and specific tools that ensure a better communication with a broader set of stakeholders, who may or may not have had a formal introduction to human rights. At the same time, it is important to ensure that the message so created withstands rigorous scrutiny by the human rights community, as well as by those on the other side of the debate, who may have a greater role or be more directly involved in the implementation of human rights (e.g., policymakers). It is this gap between theory and practice that is expected to be bridged, in part, by identifying appropriate indicators for human rights.

Moreover, the exercise of identifying and using suitable indicators—quantitative as well as qualitative—also helps in clarifying the content of human rights standards and norms. While the interpretation of human rights standards (such as by the treaty bodies or by courts) is a separate step in the monitoring process, the use of indicators helps to ensure that the interpretive phase is well informed. This could, in turn, facilitate the implementation and attainment of the objectives associated with the realization of human rights.

Box 1 Use of statistical indicators by courts

Statistical data have been used by national and international tribunals and courts in assessing potential violations of international and national human rights norms. The analysis of “systemic discrimination” put forward by the Supreme Court of Canada emphasized the role of statistics in establishing proof of discrimination. In *Action Travail des Femmes v. Canadian National Railway Co.* in 1987, the Supreme Court used national employment statistics on the participation of women in the labour market (percentage of managerial and other positions held by women) in assessing possible discriminatory practices at the National Railway Company.

In 2004 the Constitutional Court of Colombia instructed the Government to provide detailed information on the rights of internally displaced persons (IDPs) and the policies affecting them. The Court ascertained that the Government had failed to provide sufficient resources and to create the required institutional capacity to uphold their rights. It requested quantifiable and comparable indicators to be identified and used to ensure a culture of accountability. In particular, indicators would help to:

- Assess the effectiveness of Government policies, specifically the impact of its remedial measures;
- Measure the enjoyment of rights in every phase of displacement, specifically by children, women, persons with disabilities and indigenous peoples; and
- Focus on and provide only the most essential information, in view of the resource implications.

As a result, the Government of Colombia put in place an evaluation mechanism with indicators to measure progress in the implementation of the rights of IDPs, including their rights to food, health, education, and liberty and security.

Sources: M. Potvin, “The role of statistics on ethnic origin and ‘race’ in Canadian antidiscrimination policy”, *International Social Science Journal*, vol. 57, No. 183 (March 2005), pp. 27–42; J. Rothring and M. Romero, “Measuring the enjoyment of rights in Colombia”, *Forced Migration Review*, No. 30 (April 2008), pp. 64–65; and M.J. Cepeda-Espinosa, “How far may Colombia’s Constitutional Court go to protect IDP rights?”, *Forced Migration Review*, special edition (December 2006), pp. 21–23.

There are several good reasons for using quantitative and qualitative indicators to assist human rights monitoring, but it is important to keep in mind that an

indicator is only a tool. When properly constructed and populated with high-quality data, it is useful to the extent that it adds value to human rights

assessments. It could make the exercise more objective and transparent and provide a concrete follow-up methodology.

While it is a tool to support qualitative or narrative-based, judicial or quasi-judicial and other comprehensive assessments, it is not a substitute for them and users need to be clear about its limitations. "Many agree with Lord Kelvin, the 19th-century physicist after whom the unit of absolute temperature is named: he reckoned that measuring something provides additional knowledge. And so it does, in the physical sciences. But where humans are involved, more data sometimes yield less truth".³ This may be especially so regarding human rights, where the users and producers of data need to be well aware of the dangers and potential misuses of

statistics. There are numerous examples of data on different population groups being used to support acts of genocide and other human rights violations (chap. III, box 9).

Given these risks, should human rights stakeholders stay away from statistics and data collection? This *Guide* argues, on the contrary, that such risks call for a stronger involvement of human rights stakeholders in human rights measurement and documentation. Besides, statistical information is already being used in human rights reporting and monitoring systems, internationally, regionally and nationally. This *Guide* addresses the link between human rights and statistics, and proposes a set of tools to improve national statistical systems and ensure a more systematic implementation and monitoring of human rights.

TARGETED USERS OF THE GUIDE

The objective of this *Guide* is to bring together materials covering the conceptual, the methodological and the empirical aspects of the approach underlying the identification of context-sensitive indicators to promote and monitor the implementation of human rights. The *Guide* provides elements of a framework for building the capacity of human rights monitoring systems and facilitating the use of appropriate tools in policymaking, its implementation and monitoring (fig. I).

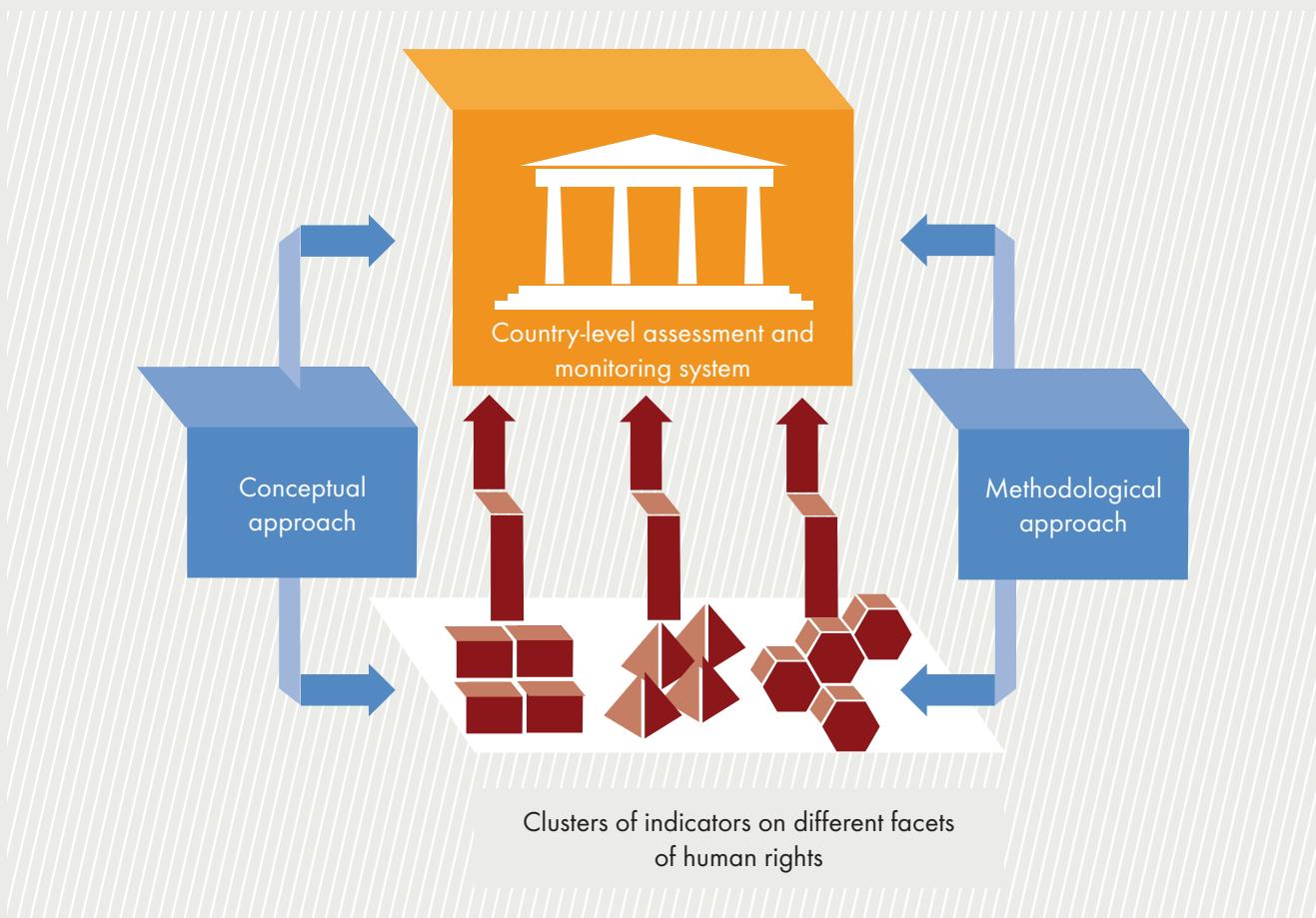
The *Guide* aims to reach all those who share a commitment to the promotion of human rights and those who are mandated, directly or indirectly, to address human rights issues in the course of their day-to-day work.

The publication focuses on the stakeholders engaged in identifying, collecting and using indicators to promote and monitor the implementation of human rights

nationally. It is directed at national human rights institutions, the United Nations human rights system in general and the treaty bodies in particular, the State agencies responsible for reporting on the implementation of human rights treaty obligations, as well as those responsible for policymaking across different ministries, public agencies at different levels of governance, statistical agencies, development practitioners, civil society organizations and international agencies with a mandate to further the realization of human rights.

As a result, without compromising the distinct aspects of human rights, the publication presents the material in a non-technical, self-contained manner to reach all those potential users who are not familiar with human rights and its various national and international mechanisms.

3. "International rankings: Wrong numbers – Global league tables are interesting, but not always reliable", *Economist*, 6 January 2011.

Fig. I Practical tools for measuring and implementing human rights

BACKGROUND TO THE WORK

The work on indicators at the Office of the United Nations High Commissioner for Human Rights (OHCHR) was initiated in response to a request from the inter-committee meeting of the treaty bodies. It sought assistance in analysing and making use of the statistical information in the State parties' reports so as to assess their compliance with the human rights

treaties they had ratified. In pursuing this request, OHCHR undertook an extensive survey of the literature and the prevalent practice among civil society and international organizations regarding the use of quantitative information to monitor human rights.⁴ This was followed by the development of a conceptual and methodological framework for identifying

4. R. Malhotra and N. Fasel, "Quantitative human rights indicators: A survey of major initiatives", paper presented at the Nordic Network Seminar in Human Rights Research, Åbo, Finland, 10–13 March 2005. Available from www.abo.fi/instit/imr/research/seminars/indicators/index.htm (accessed 30 March 2012). Although qualitative and quantitative indicators are both relevant to the work of the treaty bodies, the focus has been on quantitative indicators and statistics in view of the specific request of the inter-committee meeting of human rights treaty bodies.

operationally feasible human rights indicators, in consultation with a panel of experts. This framework was presented to the inter-committee meeting in June 2006 and revised in June 2008, when the inter-committee meeting called for the development of resource materials and tools to help disseminate and operationalize it and to engage further on this work with national human rights stakeholders.⁵

Lists of illustrative indicators were developed for a number of human rights—both civil and political rights as well as economic, social and cultural rights. These indicators were then subjected to a process of validation that involved, at first, discussions with an international panel of experts, including experts from treaty bodies, special rapporteurs of the Human Rights Council, academics, and experts from civil society and international organizations. Subsequently, discussions were held with national stakeholders, including human rights institutions, policymakers and agencies responsible for reporting on the implementation of the human rights treaties, statistical agencies and representatives from civil society. These discussions, which generated feedback on the work, took the form of regional

and national workshops in several countries in Asia, Africa and Latin America. Consultations also took place in Europe and North America.⁶ The feedback helped in fine-tuning the approach and making it more practical and relevant to the human rights work at the country level. The consultations also provided a platform for making stakeholders more aware of the potential use of available statistical information in human rights assessments (chap. II, box 8). As a follow-up to these activities, several organizations and countries in different regions and at different levels of social, political and economic attainment initiated work on the development and use of indicators in human rights assessments, drawing on the approach adopted by OHCHR. Some of these initiatives are highlighted in the *Guide*.

The Committee on Economic, Social and Cultural Rights and the Human Rights Committee, which both revised their guidelines for State party reporting, require State parties to identify disaggregated statistics and indicators for the rights of the two Covenants taking into account the framework and list of illustrative indicators set out in this *Guide*.⁷

STRUCTURE OF THE GUIDE

The publication contains five chapters. Chapter I defines the notion of indicators in human rights or “human rights indicators”. It presents the various uses of the term “indicator” and its different categories generally found in the literature on human rights assessments. Chapter II outlines the conceptual approach adopted to identify indicators for different human rights standards and cross-cutting norms. While highlighting the salient features of

the approach, the chapter demonstrates its flexibility to identify contextually meaningful indicators for universal human rights standards. The methodological framework for generating the information on identified indicators is presented in chapter III. The chapter describes the merits and drawbacks of various data-generating mechanisms and shows how an eclectic but objective approach could be used to build a system of indicators on the status of

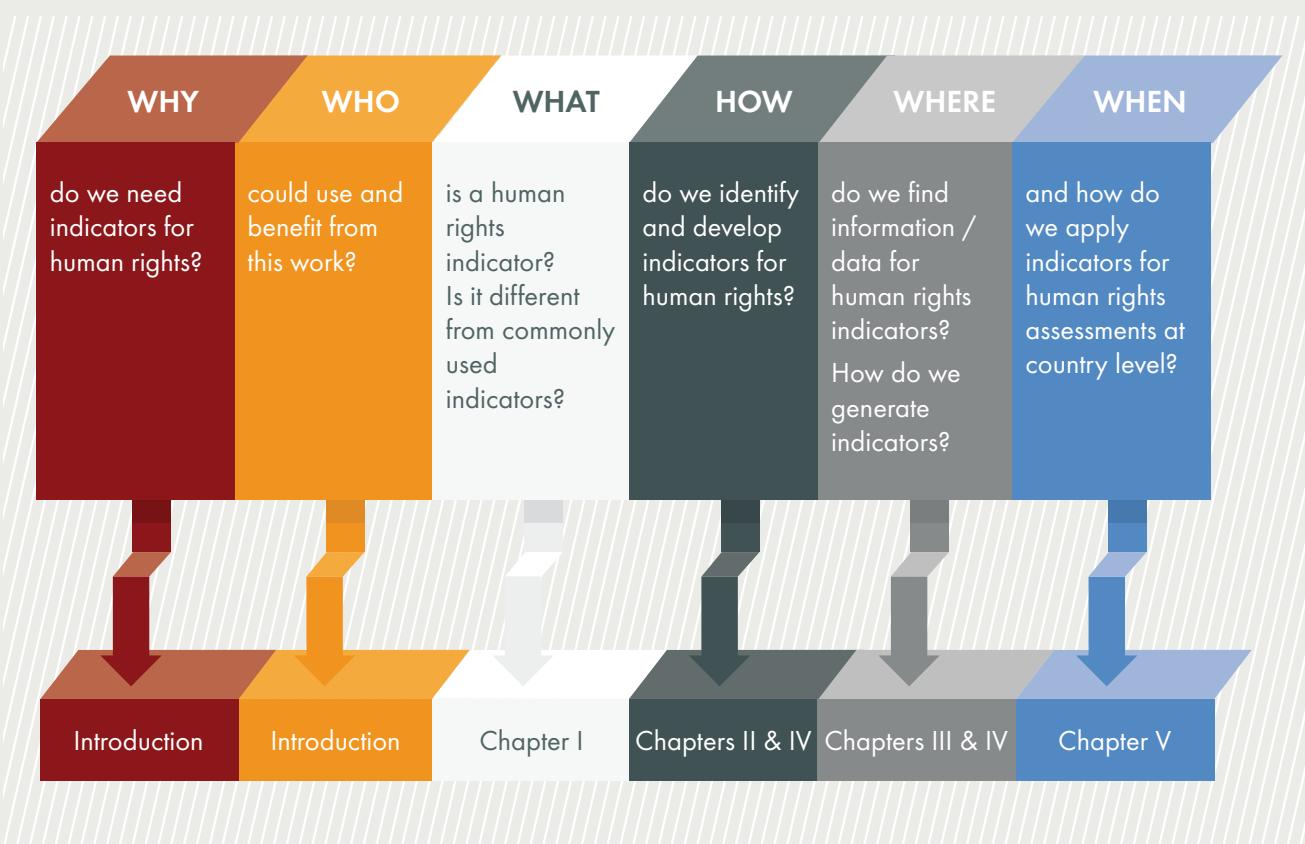
5. At its meeting in June 2006, the inter-committee meeting appreciated the background paper outlining an approach to the use of statistical information in the work of the treaty bodies and requested the Secretariat to undertake a two-year validation, including through piloting by the relevant committees, of the indicators and develop further lists of indicators, where appropriate in collaboration with United Nations entities. HRI/MC/2006/7 and HRI/MC/2008/3 form the backdrop to this *Guide*.
6. More details on this process are provided in HRI/MC/2008/3. The Council of Europe’s Commissioner for Human Rights also stressed the relevance of the framework in “Serious implementation of human rights standards requires that benchmarking indicators are defined”, 17 August 2009. Available from www.coe.int/t/commissioner/Viewpoints/090817_en.asp.
7. See E/C.12/2008/2 and CCPR/C/2009/1.

human rights implementation and their enjoyment nationwide.

Making use of this approach, chapter IV presents the analysis that went into the selection of specific indicators and the preparation of tables of illustrative indicators for different human rights. Annex I, which presents the metadata on selected illustrative indicators, is an integral part of this chapter. The metadata help to clarify methodological (and some conceptual) concerns in the application of the indicators to national human rights assessments. The final chapter outlines elements of a possible approach to setting

up a national human rights monitoring system. It discusses the potential use of the approach and the identified indicators, for example, in following up treaty bodies' concluding observations and strengthening critical development processes like budgeting and performance monitoring of programmes from a human rights perspective. The chapter also discusses a process for identifying various stakeholders and engaging them in building a local alliance for pursuing the implementation of human rights. A glossary is also included in the *Guide*. Figure II summarizes the structure of the *Guide*.

Fig. II **Structure of the Guide**



USING THE GUIDE

The basic structure of the *Guide* is geared towards supporting a systematic and comprehensive translation of universal human rights standards into indicators that are contextually relevant. This approach favours using objective information which is easily available, or can be collected, for monitoring the national implementation of human rights. This requires the reader to:

- ▶ Understand the conceptual approach so as to identify indicators, after developing a preliminary understanding of the human rights normative framework;
- ▶ Explore the alternative data-generating methods to populate the selected indicators; and
- ▶ Apply and interpret the numbers that go with an indicator so as to build an assessment on the state of human rights.

Each of these steps has been dealt with in separate chapters or sections, which are sequenced in a manner that allows a gradual build-up of concepts and methods for use in executing the said steps (fig. II). Although interrelated, the chapters are sufficiently self-contained that they can be read in a different sequence. A quick reading of chapter II is nonetheless helpful before looking at the other material in the *Guide*.

For those who are familiar with human rights and are aware of commonly used statistics and indicators in development and governance assessments, it may be useful to start with the tables of illustrative indicators presented in chapter IV. The tables cover selected civil, cultural, economic, political and social rights that are frequently referred to in various human rights treaties. While relating concepts to application, these tables present indicators that can be assessed for their relevance to a given country. The information presented in the metadata of illustrative indicators (annex I), on the operational issues in using the identified indicators, is an integral part of the overall toolkit and facilitates the interpretation of those indicators.

For those who wish to use the adopted framework to identify indicators on certain themes of relevance to human rights, an example has been provided in the form of a table of illustrative indicators on violence against women. With the help of this table, the *Guide* shows how the approach could be applied to addressing cross-cutting and thematic issues from a human rights perspective.

Although the publication presents a number of potential indicators for human rights, it is not meant to be static. It is an integral part of an online site maintained by OHCHR with tables, metadata sheets and other relevant documents that are periodically reviewed and updated.⁸

8. www.ohchr.org/EN/Issues/Indicators/Pages/HRI ndicatorsIndex.aspx (accessed 30 March 2012).